

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RICHARD W. MIGLIORE, J.D.**

**Plaintiff,**

**V.**

**ARLENE ACKERMAN, Superintendent;  
THE SCHOOL DISTRICT OF  
PHILADELPHIA, THE SCHOOL  
REFORM COMMISSION; and,  
COMMISSIONERS ROBERT L. ARCHIE.,  
JR., ESQUIRE, Chairman, DENISE  
McGREGOR ARMBRISTER, JOSEPH A.  
DWORETZKY, ESQUIRE, and JOHNNY  
IRIZARRY; LUCY FERIA, Regional  
Superintendent; JAMES DOUGLASS,  
Assistant Regional Superintendent;  
ESTELLE G. MATTHEWS, Chief Talent  
Development Officer; ANDREW ROSEN,  
ESQUIRE, Human Resources  
Representative; and MARY SANDRA  
DEAN, Principal.**

## Defendants.

## CIVIL ACTION

**NO. 11-4018**

## ORDER

**AND NOW**, this 12th day of August, 2013, upon consideration of Plaintiff's Motion for Summary Judgment (Document No. 18, filed September 17, 2012), Defendants' Response in Opposition to Plaintiff's Motion for Summary Judgment (Document No. 22, filed November 9, 2012), Defendants' Motion for Summary Judgment (Document No. 20, filed October 19, 2012), and Plaintiff's Answer in Opposition to Defendants' Motion for Summary Judgment (Document No. 23, filed November 12, 2012), Letter from Defense Counsel dated June 20, 2013 (Document No. 26, filed June 20, 2013), Joint Report of All Parties in Response to the Court's Order Dated July 1, 2013 (Document No. 28, filed July 15, 2013), Letter from Defense Counsel dated July 31,

2013 (Document No. 29, filed July 31, 2013), and Letter from Plaintiff's Counsel dated August 1, 2013, for the reasons set forth in the Memorandum dated August 12, 2013, **IT IS ORDERED** as follows:

1. With respect to Migliore's neglect to prevent claim under 42 U.S.C. §1986, which claim he states he is not pursuing, Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

2. With respect to Migliore's claim that he was retaliated against because of the Book and speeches in violation of his First Amendment rights, Plaintiff's Motion for Summary Judgment and Defendants' Motion for Summary Judgment are each **DENIED**.

3. With respect to Migliore's claim that he was retaliated against because of his grievance and complaint in violation of his First Amendment rights, Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

4. With respect to Migliore's claim that he was retaliated against because of his leadership beliefs, research-based practices, or associations and friendships with teachers in violation of his First Amendment rights, Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

5. With respect to Migliore's due process claim, Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

6. With respect to Migliore's claims asserted against the School District of Philadelphia and the School Reform Commission, Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

**IT IS FURTHER ORDERED THAT** a scheduling conference by telephone will be conducted due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

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**DuBOIS, JAN E., J.**